

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JOANNA MARIE SMITH,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,<sup>1</sup>**

**Defendant.**

**Case No. 12-cv-219-DRH-CJP**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is plaintiff's motion for and memorandum in support of award of EAJA fees (Doc. 22). Plaintiff moves for an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A). Plaintiff states she is a prevailing party and defendant will be unable to demonstrate that her position was substantially justified or that other circumstances make an award unjust. Plaintiff seeks compensation for 24.25 hours of work at \$181.25 per hour in attorney time for a total of \$4,395.00 plus court costs of \$350.00. Defendant has not responded to plaintiff's motion, and the ability to timely respond has passed. Pursuant to LOCAL RULE 7.1(c), the Court deems defendant's failure to respond as an admission of the merits of plaintiff's motion. See SDIL-

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<sup>1</sup> On February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is automatically substituted as the defendant in this litigation. No further action is necessary to continue this litigation by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

LR 7.1(c). The Court finds the amount plaintiff seeks is reasonable. Accordingly, plaintiff's motion is **GRANTED** (Doc. 22). Thus, the Court awards fees to plaintiff in the amount of \$4,395.00 for 24.25 hours at \$181.25 per hour plus court costs in the sum of \$350.00 for attorneys fees and costs.

**IT IS SO ORDERED.**

Signed this 13<sup>th</sup> day of June, 2013.

  
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David R. Herndon  
Date: 2013.06.13  
09:47:46 -05'00'

**Chief Judge**  
**United States District Court**